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9 *Attorneys for Plaintiff C. Jay Smith*

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11 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
12 **OAKLAND DIVISION**

13  
14 C. JAY SMITH (a/k/a CARY KEETON SMITH),

15 **Plaintiff,**

16 v.

17 RALPH DIAZ; RON DAVIS; T. DUKE; R.  
18 FESTON; B. HAUB; M. BLOISE; Y. FRANCO; and  
M. TAYLOR,

19 **Defendants.**  
20  
21

Case No. 4:20-cv-04335-HSG

**JOINT STIPULATION AND  
ORDER TO EXTEND THE DEADLINE  
FOR PLAINTIFF TO OPPOSE  
DEFENDANTS' MOTION TO DISMISS  
& DEFENDANTS' DEADLINE TO  
REPLY TO PLAINTIFF'S OPPOSITION**

Judge: Hon. Haywood S. Gilliam, Jr.

Trial Date: Not Set

Action Filed: June 29, 2020

22 Under Local Rule 6-2, Plaintiff C. Jay Smith and Defendants Bloise, Duke, Feston, Franco, Haub,  
23 and Taylor (collectively "the Parties"), by and through their undersigned counsel stipulate and agree as  
24 follows:

25 WHEREAS, on June 10, 2022, Defendants Diaz and Davis filed a Motion to Dismiss claims  
26 against them in Plaintiff's First Amended Complaint and the hearing date for the Motion is set for  
27 December 8, 2022 at 2:00 p.m. (ECF No.43);

28 WHEREAS, on June 24, 2022, the Parties requested, through a joint stipulation, that Plaintiff's

1 deadline to oppose Defendants Diaz and Davis's Motion to Dismiss be extended to September 16, 2022  
2 and that Defendants' reply be due on October 7, 2022. The Parties also requested that Defendants  
3 Bloise, Duke, Feston, Franco, Haub and Taylor's deadline to file a responsive pleading be stayed until  
4 14 days after the Court rules on the Motion to Dismiss filed on behalf of Defendants Diaz and Davis  
5 (ECF No.46);

6 WHEREAS, on June 27, 2022, the Court granted the requested time extensions and proposed  
7 briefing schedule. (ECF No. 47);

8 WHEREAS, on September 8, 2022, Plaintiff's counsel contacted Defendants' counsel by email  
9 and requested an extension of time to oppose Defendants' motion to dismiss. The Parties agreed to  
10 extend Plaintiff's deadline to oppose Defendants' motion to dismiss by seven (7) days and to  
11 reciprocally extend Defendants' deadline to respond to Plaintiff's opposition. Plaintiff's counsel's  
12 request was based on limited staff due to illnesses;

13 WHEREAS, the Parties do not believe that the seven (7) day extension of Plaintiff's deadline to  
14 oppose Defendant's Motion to Dismiss and Defendant's deadline to respond to Plaintiff's opposition  
15 will have a significant effect on the schedule for the case;

16 THEREFORE, IT IS HEREBY STIPULATED, by and between the Parties, through their  
17 respective counsel of record, and subject to Court approval, that Plaintiff's deadline to oppose  
18 Defendants' Motion to Dismiss be extended by seven (7) days, up to and including September 23, 2022  
19 and Defendants' deadline to reply to Plaintiff's opposition brief be extended by seven (7) days, up to  
20 and including, October 14, 2022.

21 **IT IS SO STIPULATED.**

22  
23 Dated: September 9, 2022

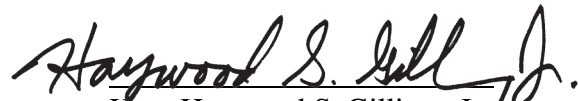
/s/ Janet Chen  
Janet N. Chen, Deputy Attorney General  
Attorney for Defendants

24  
25  
26 Dated: September 9, 2022

/s/ Felicia Medina  
Felicia Medina, Medina Orthwein LLP  
Attorney for Plaintiff

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: September 12, 2022

  
Hon. Haywood S. Gilliam, Jr.  
U.S. District Court Judge